



United States Environmental Protection Agency
Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912

AUG 24 2015

**CERTIFIED MAIL
RETURN RECEIPT REQUIRED**

David Foster
Foster Materials, Inc.
1778 Old Concord Road
Henniker, NH 03242

Re: Request for Information Pursuant to Sections 308(a) of the Clean Water Act 33 U.S.C. § 1318; Docket No. 308-01-15-032

Dear Mr. Foster:

On July 21, 2015, staff from the U.S. Environmental Protection Agency, Region I (the "Region") inspected the Foster Materials, Inc. ("Foster Materials") sand and gravel mine and production facility, consisting of two locations on Old Concord Road in Henniker, NH (hereafter referred to as "Facility" or "Site"). During the inspections of the Facility, inspectors observed, among other things, the potential for stormwater discharges from the Site, and a pipe actively discharging process water (apparently from the sand washing operation) into the Contoocook River, near the Facility's intake from the River (see attached photos).

Section 308(a) of the Clean Water Act (the "Act"), 33 U.S.C. § 1318(a) authorizes the United States Environmental Protection Agency ("EPA") to require any owner or operator of any point source to provide information needed to determine whether there has been a violation of the Act. Accordingly, Foster Materials, Inc. is hereby required, pursuant to Section 308(a) of the Act, to respond to the questions included in Attachment No. 2 of this Request for Information (the "Request") **within 30 calendar days of receipt of this Request.**

Please carefully read the instructions in Attachment No. 1 before preparing your response. Answer each question as clearly and completely as possible. Please respond separately to each of the questions, referencing each question by number. Your response must include copies of all records and information referenced in the response. If the documentation that supports a response to one item duplicates the documentation that supports another item, submit one copy of the documentation and reference the documentation in subsequent responses.

Your response to this Request must also be accompanied by a certificate that is signed and dated by the person who is authorized to respond to the Request. A Statement of Certification is included as Attachment No. 3 to this letter.

Information submitted pursuant to this Request shall be sent by certified mail and shall be addressed as follows:

United States Environmental Protection Agency
New England Region
Office of Environmental Stewardship
5 Post Office Square
Boston, MA 02109-3912
Attention: Andrew Spejewski (OES 04-1)

Compliance with this Request is mandatory. Failure to respond fully and truthfully, or to adequately justify any failure to respond, may result in an enforcement action by EPA pursuant to Section 309 of the Act, 33 U.S.C. § 1319. This statute permits EPA to seek the imposition of penalties. In addition, any person who knowingly submits false information may be subject to criminal prosecution under 18 U.S.C. § 1001.

Foster Materials may assert a business confidentiality claim with respect to part or all of the information submitted to EPA in the manner described at 40 C.F.R. Part 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to EPA, it may be made available to the public by EPA without further notice to Foster Materials.

If you have technical questions regarding this Request, please contact Andrew Spejewski at 617-918-1014. If you have legal questions regarding this Request, please have your legal representative contact Jeffrey Kopf, Senior Enforcement Counsel at 617-918-1796.

Sincerely,



James Chow, Manager
Technical Enforcement Office
Office of Environmental Stewardship
U.S. EPA Region I

cc: Andrew Spejewski, Enforcement Officer, EPA Region 1
Jeffrey Kopf, Senior Enforcement Counsel, EPA Region 1
Joseph Canzano, Spill Prevention Compliance Coordinator, EPA Region 1
Tracy Wood, New Hampshire Department of Environmental Services

Attachments:

1. Information Request Instructions
2. Information Request Questions
3. Certification
4. Pictures of Discharge

Attachment No. 1

Information Request Instructions

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Request. Precede each answer with the text and the number of the question and the subpart to which the answer corresponds. All submitted documents must contain a notation indicating the question and subpart of the question to which they are responsive.
2. If any question cannot be answered in full, answer to the extent possible. If your responses are qualified in any manner, please explain.
3. If information or documents not known or not available to Foster Materials as of the date of the submission of its response to this Request should later become known, or available to Foster Materials, Foster Materials must supplement its response. Moreover, should Foster Materials find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, Foster Materials must notify the EPA of this fact as soon as possible and provide a corrected response.

Attachment No. 2

Respond to the Following Questions:

General Business and Ownership Information Questions

1. Specify the full legal name(s) with the exact spelling, the business mailing address, and phone number of Foster Materials, Inc.
2. Specify who owns or has owned the Facility from January 1, 2010 to the present. If any transfer of ownership has occurred, specify the owner(s) prior to and following the transfer, and the dates of transfer.
3. Specify the primary and secondary standard industrial classification ("SIC") codes for the Facility.
4. Provide a list of each manufacturing operation and brief description of the respective industrial activities conducted on site over the past five years, including a detailed site diagram that illustrates the location where each of these activities take or took place.

Stormwater

5. Provide a site plan or plans for both locations, indicating all locations where stormwater discharges associated with industrial activity (including mining) occur (The same site plan may be provided in response to questions 4 and 5).
6. If there are any stormwater discharges associated with industrial activity, provide a schedule, including dates, for creating a Stormwater Pollution Prevention Plan and for submitting a Notice of Intent for Coverage under the federal General Permit for Stormwater Discharges Associated With Industrial Activity ("MSGP"). If you do not believe your Facility discharges stormwater associated with industrial activity, explain the basis for that determination. If you plan on completely eliminating stormwater discharges associated with industrial activity, provide the specific actions to be taken to eliminate such discharges and the dates by which such discharges will be eliminated.

Process Water

7. Describe the source(s) of the process water discharge to the Contoocook River. If the source(s) has not yet been identified, submit a plan, with dates, for locating the source(s) of the discharge.
8. Describe the causes of such process water discharges and the frequency of such discharges over the past three years.
9. Submit a schedule for eliminating the process water discharges to the Contoocook River (note that process water discharges are NOT eligible for coverage under the MSGP).

SPCC

10. Submit a copy of the oil Spill Prevention, Control, and Countermeasure (SPCC) plan for the Facility as required under 40 C.F.R. § 112.3.

End of Questions

Attachment No. 3

Statement of Certification

I declare under penalty of perjury that I am authorized to respond on behalf of Foster Materials, Inc. I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By _____
(Signature)

(Printed Name)

(Title)

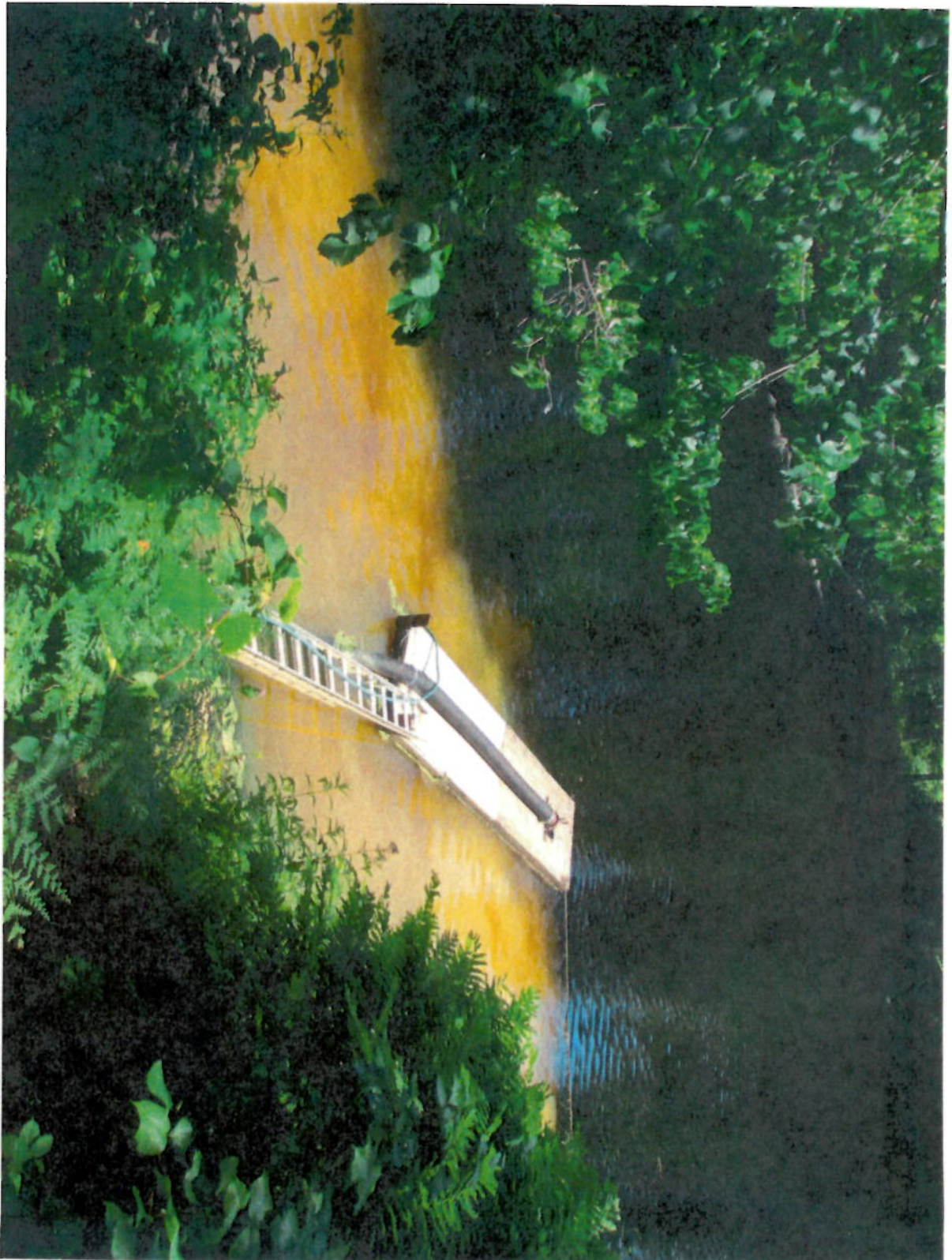
(Date)

Attachment 4 - Process Water Discharge Point



2015-Jul-21 12:33

Attachment 4 - Process Water Discharge Point



2015-Jul-21 12:33

